

MARQUIS AURBACH COFFING

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6

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 ROGER PALMER; CHAD MOXLEY;
and, FIREARMS POLICY COALITION,
10 INC.,

Case Number: 3:21-cv-00268-MMD-WGC

11 Plaintiffs,

12 vs.

13 STEPHEN SISOLAK, Governor of Nevada;
AARON FORD, Attorney General of
14 Nevada; GEORGE TOGLIATTI, Director of
the Nevada Department of Public Safety;
15 MINDY MCKAY, Administrator of the
Records, Communications and Compliance
16 Division of the Nevada Department of Public
Safety; JOSEPH LOMBARDO, Sheriff of
17 Clark County, Nevada; STEVEN
WOLFSON, District Attorney of Clark
18 County, Nevada; DANIEL COVERLEY,
Sheriff of Douglas County, Nevada; and
19 MARK JACKSON, District Attorney of
Douglas County, Nevada,
20

21 Defendants.

22 **DEFENDANT STEVEN WOLFSON'S ANSWER TO PLAINTIFFS' COMPLAINT**

23 Defendant Steven Wolfson, District Attorney for Clark County, Nevada ("Wolfson"), by
24 and through his attorneys of record, Nick D. Crosby, Esq., with the law firm of Marquis Aurbach
25 Coffing, hereby answer Plaintiffs' Complaint (ECF No. 1) as follows:

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1 1. In answering Paragraphs 14, 20, 21, 22, 23, 28, 54, 55, 56, 60, 61, 65, 67, 69 and
2 71 of Plaintiffs' Complaint, Defendant Wolfson admits the allegations contained therein.

3 2. In answering Paragraphs 4(a)–(d), 89, 108, 122, 142 and 160 of Plaintiffs'
4 Complaint, Defendant Wolfson denies the allegations contained therein.

5 3. In answering Paragraphs 7, 16, 17, 18, 19, 42, 47, 48, 49, 50, 52, 64, 75-84, 86,
6 87, 88, 91-107, 110-121, 126, 130, 144, 146, 147, 148, 151, 158 and 159 of Plaintiffs'
7 Complaint, Defendant Wolfson is without sufficient knowledge or information to form an
8 opinion as to the truth of the allegations and, therefore, denies the same.

9 4. In answering Paragraphs 1, 3, 5, 8, 9, 11, 29, 30, 31, 32, 33, 34, 35, 38, 39, 40, 53,
10 57, 58, 59, 63, 66, 68, 70, 85, 124, 127, 128, 129, 131, 132, 133, 134, 135, 136, 137, 141, 149,
11 152, 153, 154, 155, 156 and 157 of Plaintiffs' Complaint, the allegations seek a legal conclusion,
12 rather than an admission or denial of facts.

13 5. In answering Paragraphs 4(e), 10, 12, 13, 36, 37, 41, 43, 44, 45, 46, 51, 72, 125,
14 138, 139, 140 and 145 of Plaintiffs' Complaint, the allegations seek a legal conclusion, do not
15 allege any facts and/or Defendant Wolfson is without sufficient knowledge or information to
16 form an opinion as to the truth of the allegations and, therefore, denies the same.

17 6. In answering Paragraphs 74, 90, 109, 123 and 143 of Plaintiffs' Complaint,
18 Defendant Wolfson repeats and realleges each and every response thereto.

19 7. In answering Paragraph 2 of Plaintiffs' Complaint, Defendant Wolfson admits
20 Governor Sisolak signed AB 286, but the remaining allegations calls for a legal conclusion rather
21 than an admission or denial of fact.

22 8. In answering Paragraph 6 of Plaintiffs' Complaint, Defendant Wolfson admits
23 some provisions of AB 286 took effect immediately, while others do not become effective until
24 January 1, 2022, but is without sufficient information or knowledge to form an opinion as to the
25 truth of the remaining allegations and, therefore, denies the same.

26 9. In answering Paragraph 15 of Plaintiffs' Complaint, Defendant Wolfson denies
27 Plaintiffs' constitutional rights were violated, but admits the remaining allegations.
28

1 10. In answering Paragraph 24 of Plaintiffs' Complaint, Defendant Wolfson admits
2 the allegations contained in the first two sentences of Paragraph 24, but it without sufficient
3 knowledge or information to form an opinion as to the truth of the remaining allegations and,
4 therefore, denies the same.

5 11. In answering Paragraph 25 of Plaintiffs' Complaint, Defendant Wolfson admits
6 the allegations contained in the first two sentences of Paragraph 25, but it without sufficient
7 knowledge or information to form an opinion as to the truth of the remaining allegations and,
8 therefore, denies the same.

9 12. In answering Paragraph 26 of Plaintiffs' Complaint, Defendant Wolfson admits
10 the allegations contained in the first two sentences of Paragraph 26, but it without sufficient
11 knowledge or information to form an opinion as to the truth of the remaining allegations and,
12 therefore, denies the same.

13 13. In answering Paragraph 27 of Plaintiffs' Complaint, Defendant Wolfson admits
14 the allegations contained in the first two sentences of Paragraph 27, but it without sufficient
15 knowledge or information to form an opinion as to the truth of the remaining allegations and,
16 therefore, denies the same.

17 14. In answering Paragraph 62 of Plaintiffs' Complaint, Defendant Wolfson admits
18 the allegations contained in the first and last sentence of Paragraph 62, but the remaining
19 allegations seek a legal conclusion rather than an admission or denial of fact.

20 15. In answering Paragraph 73 of Plaintiffs' Complaint, Defendant Wolfson admits
21 the allegations contained therein, with the exception of the allegations in the last sentence which
22 seek a legal conclusion rather than an admission or denial of fact.

23 16. In answering Paragraph 150 of Plaintiffs' Complaint, Defendant Wolfson admits
24 the allegations contained in the first sentence, but is without sufficient information or knowledge
25 to form an opinion as to the truth of the remaining allegations and, therefore, denies the same.

26 17. As to any remaining allegations not specifically responded to, Defendant Wolfson
27 denies the same.

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AFFIRMATIVE DEFENSES

1. Plaintiffs failed to state a claim upon which relief can be granted.

2. There is no actual, judiciable controversy as it relates to this answering Defendant.

3. Plaintiffs lack standing.

4. Plaintiffs' claims are barred by the Tenth Amendment to the U.S. Constitution.

5. Plaintiffs are unable to meet the legal requirements for the entry of declaratory and injunctive relief and therefore the Complaint should be dismissed.

6. This Answering Defendant is entitled to qualified and/or prosecutorial immunity.

7. This Answering Defendant did not personally participate in the alleged unconstitutional actions.

8. Pursuant to NRCP 11, as amended, all possible affirmative defenses may not have been alleged herein, in so far as sufficient facts were not available after a reasonable inquiry upon the filing of Defendant Wolfson's Answer to Plaintiffs' Complaint; therefore, Defendant Wolfson reserves the right to amend his answer to allege additional affirmative defenses if subsequent investigations so warrant.

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PRAYER FOR RELIEF

WHEREFORE, Defendant Wolfson prays for judgment against Plaintiffs as follows:

1. That Plaintiffs take nothing by way of their Complaint and that the same be dismissed with prejudice;

2. For an award of reasonable attorney fees and costs of suit; and

3. For any further relief as the Court deems to be just and proper.

Dated this 8th day of July, 2021.

MARQUIS AURBACH COFFING

By: /s/ Nick D. Crosby, Esq.
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendant,
Steven Wolfson

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **DEFENDANT STEVEN WOLFSON'S ANSWER TO PLAINTIFFS' COMPLAINT** with the Clerk of the Court for the United States District Court by using the court's CM/ECF system on the 8th day of July, 2021.

☒ I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

☐ I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

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